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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,708	09/24/1997	JEFFREY M. CLAR	080398.P109	1031

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EXAMINER

GRIER, LAURA A

ART UNIT PAPER NUMBER

2644

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/936,708

Applicant(s)

CLAAR ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 1-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-30, and 32-49 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claim 23, 32, 40, and 47** is rejected under 35 U.S.C. 103(a) as being unpatentable over East et al., U. S. Patent No. 6061458 in view of Arnold.

Regarding **claim 23, 32, 40, and 47**, East et al. (herein, East) discloses an audio mixing consoles. East's disclosure teaches plurality of audio channels (indicative of a plurality of tracks) with a plurality of audio processing functions which may constitute as a plurality audio signal processing modules, wherein the use of audio modules are commonly used as discloses in col. 1, lines 10-12, East further discloses a host unit with a computer system for interfacing purposes, a control unit with a display and user interface devices (col. 4, lines 36-65) with visual displays, wherein the a global control function of cancel all channels can be performed, which constitutes a central control mechanism for a plurality of channels/track of plurality of audio modules. However, East fails to specifically disclose the capabilities of a first and second display portion with the central control means, collapsible control boxes (hereinafter referred to as "user interface capabilities"). The examiner maintains that disclosing such user interface capabilities were well known in the art, as taught by Arnold.

Regarding the user interface capabilities of generating and 1<sup>st</sup> and 2<sup>nd</sup> display portion, Arnold discloses an electronic music instrument system with musical keyboard. Arnold's disclosure comprises a first and second display portion in relation to recording on multiple tracks via a plurality of musical instruments and/or other audio producing devices. The second display port is able of providing global and/or central command capabilities (figures 7, 15, and 17-18, can col. 23, lines 24-32, lines 50-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of East by providing a 1<sup>st</sup> and 2<sup>ND</sup> display portion with universal and/or central control of multiple audio devices for the purpose of enhancing the techniques of a recording expert to provide real-time adjustments of the audio effects.

Regarding the plurality of control boxes corresponding the plurality of tracks/channels of an audio processing module, the examiner takes official notice of the fact that such control boxes were well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of East and Arnold by providing a plurality of control boxes for the control the corresponding tracks/channels of the audio processing module for the purpose enabling a recording expert with selective control of the audio processors as desired for optimal performance and enhance audio recording outcome.

**2. Claims 24-30, 33-39, 41-46, and 48-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over East in view of Arnold.

Regarding **claim 24**, East and Arnold discloses everything claimed as applied above (see claim 23). Arnold discloses a CPU (figure 2). It would have been obvious to one of the ordinary skill in the art at the time invention was made to modify the invention of East by incorporating CPU for the purpose of providing control of a computer operated system, specifically as needed or desired for a particular function.

Regarding **claims 25-26**, East and Arnold discloses everything claimed as applied above (see claim 24). Arnold further teaches the claimed limitation of a recording button for transmitting a recording command to an audio processing module (col. 22, lines 28-34); global/central control commands (col. 23, lines 24-32, lines 50-52).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of East by incorporating global/central control commands such as play and stop in the audio recording for the purpose of enabling the user to have universal control/access to the audio processing modules at one time, enabling the process of audio recording to become more convenient and enhancing the techniques of a recording expert to provide real-time adjustments of the audio effects.

Regarding **claims 27-29**, East and Arnold discloses everything claimed as applied above (see claim 24). East fails to specifically disclose the claimed limitations in regards to global control command of play and stop. Arnold further discloses the capability of global command to multiple devices with multiple tracks, thus it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of East by implementing the global commands of play and stop for the purpose of further optimizing efficient performance of the system.

Regarding **claim 30**, East and Arnold discloses everything claimed as applied above.

The claimed limitation is rejected for the same reasons set forth in the rejection of claim 23.

Regarding **claims 33-39**, the claimed limitations are rejected for the same reasons set forth in the rejection of claims 24-29.

Regarding **claims 41-46**, East discloses a control unit that includes user interface devices such as a keyboard, mouse, etc (col. 4, lines 63-65), and an I/O interface(18), which are indicative of a selection device for selecting one of the control boxes, such as keyboard, a mouse, and means of transmitting a control command.

Regarding **claims 48-49**, the claimed limitations are rejected for the same reasons set forth in claim 47.

**Claim 31** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

4. Applicant's arguments with respect to **claims 23-49** have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that previous references fail to teach the essential functions of a graphic user interface. The examiner has provided a new reference which provides support for the function of GUI to combined with the reference of Arnold. Wherein, the new reference supports

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an audio recording environment with a plurality of audio signal processing modules with a plurality of channels.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG  
July 15, 2002

  
**XU MEI**  
**PRIMARY EXAMINER**